IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8676/2002

NAGAR PALIKA, NADBAI Vs. COLLECTOR, BHARATPUR & ORS.

DATE: 23.10.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Manoj Sharma for the petitioner.
Mr. Saransh Saini for
Mr. G.K. Garg for the respondents.

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This writ petition is directed against the impugned orders dated 08.08.2002 and 28.08.2002 passed by the Collector, Bharatpur on application No. 42/2002 filed by the respondent Nos. 2 to 7. The petitioner has challenged this order on the ground that the Collector has no jurisdiction to interfere with the resolution No.4 of the Municipal Board, Nadbai dated 13.07.2002 who ordered to keep the same in abeyance. Since the order itself is without jurisdiction, therefore, without availing alternative efficacious remedy which is available under Section 300 of the Municipalities Act, the petitioner has preferred this writ petition.

Learned counsel for the petitioner further submits that the shops in question require urgent

repairing as these are in dilapidated condition and for that purpose, notice was issued to the respondent Nos. 2 to 7. He further submits that the respondents also filed regular suit which has been rejected.

On the other hand, learned counsel appearing for the respondents has raised preliminary objection that the present writ petition is not maintainable as the petitioner has got alternative efficacious remedy under Section 300 of the Municipalities Act. He further submits that the order passed by the Collector is interim order and not final order and the matter is still pending before the Collector.

Having considered the rival submissions of the respective parties and upon careful perusal of the impugned orders passed by the Collector, Bharatpur dated 08.08.2002 and 28.08.2002, it is not disputed that this order is interim order and the matter is still pending before the Collector. With regard to the competence of the Collector to hear the present matter, the petitioner can raise all legal and just objections which are raised here in this writ petition before the Collector, but in any case, as per the settled preposition of law, against the interim order this writ petition is not maintainable. Even otherwise also, the petitioner has got alternative remedy if any adverse

order is passed by the Collector. Thus, I find no merit in the writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

The interim order dated 27.11.2002 modified on 02.01.2003 also stands rejected. The stay application stands dismissed.

(K.S. RATHORE),J.

/KKC/